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July 9, 2005

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TO: Federal Communications Commission,
Office of the Secretary
Attn: Secretary Marlene H. Dortch,
445 12th Street, SW., Room TW-B204,
Washington, DC 20554

RE: CG Docket No. 02-278, DA 05-1346

Secretary Dortch:

This letter is in support of the exclusive jurisdiction of the FCC over interstate telemarketing. The FCC must declare and exercise its exclusive jurisdiction over interstate and foreign communications if states' usurpation of federal authority is to be halted.

In the current situation, we are conducting business in accordance with federal guidelines and yet are held to widely varying and inconsistent regulations at each of the 50 states. This is impeding legitimate commerce and communications between our clients and their customers.

The decision for the FCC to declare and exercise exclusive jurisdiction are supported by generations of federal interstate authority from 1934 to the present:

- In The Communications Act of 1934 the FCC was given exclusive jurisdiction over interstate communications
- In the 1991 TCPA was given explicit jurisdiction over telemarketing regulation

The authority is already assured in the laws and supported by Federal Circuit Court rulings. The federal laws are sound and protect the consumer in a significant and meaningful manner – and in many cases – as good as or better than the state regulations, themselves. It is in the best interest of the people, the states, and United States commerce that the FCC declares and asserts its authority over interstate telemarketing regulation as immediately as possible.

I can be reached for any further questions at the above address, by phone at 949-340-0739, or by email at eholmen@smartreply.com.

Sincerely,

Eric Holmen

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